REMARKS

This Application has been carefully reviewed in light of the Office Action tranmitted 04/09/2008 (the "*Office Action*") Notice of Panel Decision from Pre-Appeal Brief Review mailed July 14, 2008 (the "*Notice of Panel Decision*"). Applicants respectfully request reconsideration and favorable action in this case.

Section 103 Rejections

The Examiner rejects Claims 1, 3, 5-8 and 24-35 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Flurry et al. (US Publication No. 2003/0061512) ("*Flurry*") in view of Mishra et al. ("Security Services Markup Language", January 8, 2001 ("*Mishra*"). The Examiner further rejects Claim 36 as allegedly being obvious over *Flurry* in view of *Mishra* and further in view of U.S. Pat. No. 6,609,198 to Woods et al. ("*Woods*"). Applicants have added Claims 37 and 38 and amended Claim 7. Applicants respectfully traverse these rejections.

I. In Flurry, the alleged "Agent" generates the alleged "session ticket ID," and therefore, the alleged "Agent" does not intercept the session ticket ID as required by Claim 1.

Claim 1 is allowable at least because the cited references do not disclose teach or suggest the following combination of limitations:

> intercepting at the agent a second request to grant the web service customer access to the second web service, the **second request comprising the assertion** and a signature associated with a private key.

as recited in Claim 1. In the *Office Action*, the Examiner rejects these limitations by relying on sections of *Flurry* which recite, "[b]ecause the ASP aggregator has already authenticated the client/user, the ASP aggregator would immediately ***generate*** the application authentication token that is needed by the client/user with respect to the second aggregated application." See *Office Action*, page 4 (citing *Flurry*, page 9, paragraphs 88-90). However, the Examiner's reliance on *Flurry* to teach these limitations is incorrect.

As Applicants previously pointed out in a previous response dated 01/03/2008 (the "*Previous Response*"), the assertion of Claim 1 includes a session ticket ID. The Examiner identified *Flurry's* "Application Identification Token" as the session ticket ID of Claim 1.

Office Action, page 4, lines 17-22. However, regardless of whether Flurry's Application Authentication Token teaches a session ticket ID, which Applicants do not address, the above-quoted passage of *Flurry* makes it clear that the Application Authentication Token is generated by the ASP aggregator (the alleged Agent) after the alleged second request is received. Thus, since the Application Authentication Token of *Flurry* is generated ***after*** receiving the alleged second request, it cannot be intercepted as part of the alleged second request as would be required to teach the limitations "intercepting at the agent a second request to grant the web service customer access to the second web service, the **second request comprising the assertion** and a signature associated with a private key" as recited in Claim 1.

Though *Flurry* recites that the Application Authentication Token is generated "because the ASP aggregator has already authenticated the client/user," *Flurry* makes no disclosure as to how the ASP aggregator makes this determination or as to what information is received by the ASP aggregator in the alleged second request. The portions of *Flurry* cited by the Examiner do not clarify the issue because they relate to an "Aggregator Token" that is received and processed at an Aggregated Application rather than at the ASP Aggregator. *Office Action*, page 3, lines 8-11 (citing *Flurry* Paragraphs [0076]-[0080]). *Flurry* lacks any detail as to the information included in the alleged second request to the ASP aggregator and consequently fails to disclose, teach, or suggest, "intercepting at the agent a second request to grant the web service customer access to the second web service, the **second request comprising the assertion** and a signature associated with a private key" as recited in Claim 1.

Mishra does not account for these deficiencies. While the Examiner argues that "*Mishra* teaches an ASP aggregator that provides its users with seamless access to all ASP's as part of its trusted relationship;" see *Office Action*, page 3, lines 11-13 (citing Mishra pages 7-8), Applicants respectfully point out that the portions of *Mishra* cited by the Examiner fail to disclose teach or suggest "intercepting at the agent a second request to grant the web service customer access to the second web service." Rather, *Mishra* states that when a user logs onto Site A and then clicks on a link to a resource at site B, "Site B must check **the received** name assertion for validity." See *Mishra* page 8, lines 1-3. Applicants respectfully contend that the cited portions of *Mishra* do not support the Examiner's rejection because a scenario wherein "Site B must check **the received** name assertion for validity" does not

disclose teach or suggest "**intercepting at the agent** a second request to grant the web service customer access to the second web service" as recited in Claim 1.

For at least these reasons, Applicants respectfully contend that Claim 1 and each of its dependent claims are in condition for allowance. For analogous reasons, applicants respectfully contend that Claims 7, 26, and 32 and each of their dependent claims are in condition for allowance.

II. The proposed Flurry-Mishra-Woods combination is improper.

Claim 36 is directed to the method of Claim 1 wherein "the second request is intercepted at the agent *before* reaching the second web service."

To reject these limitations, the Examiner argues that the call flow of *Flurry* could somehow be combined with the system of *Woods* such that the alleged second request of *Flurry* is intercepted by the alleged agent of *Flurry* before reaching the alleged second web service of *Flurry*. *Office Action* page 8, lines 6-10. However, *Flurry* directly teaches away from this combination, stating rather that the alleged second request is redirected to the alleged agent **after** being received by the alleged second web service, as explained below.

> In this scenario, the user may have been authenticated by the ASP aggregator and may have interacted with a first aggregated application. At some later point in time, in a manner similar to that described above with respect to FIGS. 5A-5B, **the user may attempt to interact directly with a second aggregated** application using some type of saved session-specific information, e.g., a bookmarked URL that is associated with the second aggregated application. Since the user has attempted to interact directly with the aggregated application without the intermediate step of using the application workspace page, **the second aggregated application would not receive an application authentication token along with the client/user request.** The second aggregated application would receive and examine the aggregator token, **after which the client/user would be redirected** to the ASP aggregator.

Without conceding whether the Examiner's proposed combination is even technically possible, it directly contradicts the teachings of *Flurry*, and according to the MPEP, it is improper to combine references where the references teach away from their combination. MPEP §2145. Consequently, Applicants respectfully contend that one or ordinary skill in the art would not have been motivated to combine *Flurry*, *Mishra*, and *Woods* in the manner proposed by the Examiner.

III. Flurry does not disclose, teach, or suggest that the alleged second request originates at the first web service as recited in Claim 25.

Claim 25 is directed to the method of Claim 1 "wherein the first request originates at the web service customer and the second request originates at the first web service." To reject these limitations, the Examiner relies on a user-initiated request for access to a second web service described in Paragraphs [0087] - [0090] of *Flurry*. Regardless of whether these paragraphs disclose a first web service or a second request, which Applicants do not address, these two paragraphs fail to disclose that **the second request originates at the first web service** as recited in Claim 1. Rather, in *Flurry* **the user** originates the alleged second request as demonstrated at Paragraph [0087] of *Flurry* reproduced below:

> In this scenario, the user may have been authenticated by the ASP aggregator and may have interacted with a first aggregated application. At some later point in time, in a manner similar to that described above with respect to FIGS. 5A-5B, **the user may attempt to interact directly with a second aggregated** application using some type of saved session-specific information, e.g., a bookmarked URL that is associated with the second aggregated application. Since the user has attempted to interact directly with the aggregated application without the intermediate step of using the application workspace page, the second aggregated application would not receive an application authentication token along with the client/user request. The second aggregated application would receive and examine the aggregator token, after which the client/user would be redirected to the ASP aggregator.

(emphasis added). The above-cited portions of *Flurry* disclose that a user, rather than the alleged first web service, originates the alleged second request. That the second request is routed to the ASP aggregator (the alleged agent) through the second aggregated application (the alleged first web service) does not change the fact that the user originated the second request. For at least these reasons, *Flurry* fails to disclose, teach, or suggest that "the first request originates at the web service customer and the second request originates at the first web service" as recited in Claim 25.

Consequently Applicants respectfully contend that Claim 25 is in condition for allowance. For analogous reasons Applicants further contend that Claims 31 and 35 are in condition for allowance.

IV. References to Hallam-Baker

Applicants further note that in the *Office Action*, the Examiner interchangeably refers to both *Hallam-Baker* and *Flurry* while citing only to sections of *Flurry*. See e.g., *Office Action*, pages 7-8. Applicants assume that the references to *Hallam-Baker* were accidental since no applicable page number or sections from *Hallam-Baker* were ever cited. Moreover, to the extent that the Examiner was relying on *Hallam-Baker*, Applicants respectfully request the Examiner to more specifically identify the portions of *Hallam-Baker* to which the Examiner was referring.

New Claims

Applicants have added new Claims 37 and 38 which are fully supported by the Specification as originally filed and add no new matter. Applicants respectfully contend that references cited by the Examiner fail to disclose, or even teach or suggest, either alone or in combination, the combination elements recited in these claims. As one example, Claims 37 and 38 each depend from an allowable independent claim, as discussed above. As another example, none of the references cited by the Examiner teach that the first request originates at the web service customer and the second request originates at the first web service and "the second request is intercepted at the agent before reaching the second web service" as recited in Claim 37. Further, none of the references cited by the Examiner teach "determining at the agent whether the public key matches the private key" as recited in Claim 38.

No Waiver

Applicants have merely discussed example distinctions from the references cited by the Examiner. Other distinctions may exist, and Applicants reserve the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicants do not acquiesce to the Examiner's additional statements. The example distinctions discussed by Applicants are sufficient to overcome the Examiner's rejections.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicants respectfully request full allowance of all pending Claims. If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stand ready to conduct such a conference at the convenience of the Examiner.

Applicants hereby take an extension of time to accompany this RCE for two months from **September 3, 2008** to **November 3, 2008.**

The Commissioner is hereby authorized to charge the **$810.00 RCE** fee, the **$490.00 Extension of Time** fee, and to the extent necessary, charge any additional fees or credit any overpayments to **Deposit Account No. 02-0384 of Baker Botts L.L.P.**

Respectfully submitted,

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